

§141.0420 Wireless Communication Facilities

Wireless communication facilities are permitted as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the regulations in Section 141.0420. *Wireless communication facilities* that do not comply with Section 141.0420(c)(1) or are in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) may also be permitted with a Neighborhood Use Permit, subject to the regulations in Section 141.0420(d). *Wireless communication facilities* may also be permitted with a Conditional Use Permit decided in accordance with Process Three, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), except that *wireless communication facilities* in areas described in Section 141.0420(f) may be permitted with a Conditional Use Permit decided in accordance with Process Four, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:

(a) The following uses are exempt from the provisions of Section 140.0420:

- (1) Amateur (HAM) radio facilities.
- (2) One single dish *antenna* 24-inches or less in diameter or one remote panel *antenna* 24-inches or less in length and width, except when associated with a *wireless communication facility*.

(b) General Rules for Wireless Communication Facilities

- (1) Every application for a permit shall include documentation, satisfactory to the City Manager:
 - (A) That the *wireless communication facility* complies with federal standards for radio frequency radiation in accordance with the Telecommunication Act of 1996 and subsequent amendments and any other requirements imposed by state or federal regulatory agencies, and
 - (B) Describing the location type, capacity, field strength or power density and calculated geographic service of the *wireless communication facility*.
- (2) *Wireless communication facilities* shall be maintained in a graffiti-free condition.
- (3) Prior to January 31 of every calendar year, each *wireless communication facility* provider shall submit documentation, satisfactory to the City

Manager, identifying the location of each *wireless communication facility* in its City of San Diego network. The documentation shall include *wireless communication facilities* that are approved, but not yet built, *wireless communication facilities* that are currently operating and locations containing non-operating *wireless communication facilities*.

- (4) If the permit(s) for any *wireless communication facility* includes an expiration date, upon expiration of the permit, the facilities and improvements authorized therein shall be removed from the site by the owner of such facilities and improvements, and said owner shall restore the property to its original condition, all at the owner's or permittee's sole cost and expense. In addition, the owner or permittee shall, at its sole cost and expense, remove or replace any *wireless communication facility* if the City Manager determines that the facility or components of the facility are non-operational or no longer used. If the owner or permittee does not remove such facilities and restore the property as required herein, the City may remove the facilities and restore the property at the cost and expense of the owner or permittee, jointly and severally.
- (5) Coastal Development Permit. Within the coastal overlay zone, the coastal development permit regulations, beginning with Section 126.0701 of the Land Development Code, shall also apply.

(c) Limited Use Regulations

- (1) *Wireless communication facilities* are permitted as a limited use subject to the following regulations:
 - (A) Except as provided in Section 141.0420(d), *wireless communication facilities* in Industrial Zones.
 - (B) Except as provided in Section 141.0420(d), *wireless communication facilities* in Commercial Zones.
 - (C) Collocation of *wireless communication facilities* to existing monopoles that do not increase the area occupied by the *antennas* by more than 100 percent of the originally approved *wireless communication facilities* and do not increase the area occupied by an outdoor equipment enclosure more than 150 square feet beyond the originally approved *wireless communication facilities*.
- (2) *Wireless communication facilities* in the *public right-of-way* within or adjacent to City owned property, dedicated in perpetuity, for park or recreation purposes, may be permitted with a Neighborhood Use Permit.

(d) Neighborhood Use Permit Regulations

- (1) *Wireless communication facilities* on premises containing residential or mixed uses in a Commercial or Industrial Zone.
- (2) *Wireless communication facilities* on premises containing a nonresidential use within a Residential zone where the *antennas* associated with the *wireless communication facility* are located more than 100 feet from the property line of the following primary uses: day care, elementary and middle schools, single or multi-unit residences. The 100 feet shall be measured from the two closest points.
- (3) *Wireless communication facilities* in Agricultural Zones where the *antennas* associated with the *wireless communication facility* are located more than 100 feet from the property line of the following primary uses: day cares, elementary and middle schools, single or multi-unit residences. The 100 feet shall be measured from the two closest points.
- (4) *Wireless communication facilities* proposed in dedicated parkland where the *antennas* associated with the *wireless communication facility* are located more than 100 feet from the property line of the following primary uses: day cares, elementary and middle schools, single or multi-unit residences. The 100 feet shall be measured from the two closest points.

(e) Conditional Use Permit Regulations (Process Three)

- (1) *Wireless communication facilities* on *premises* containing a nonresidential use within a Residential Zone.
- (2) *Wireless communication facilities* in Agricultural Zones.
- (3) *Wireless communication facilities*, with above ground equipment, in the *public right-of-way*.

(f) Conditional Use Permit Regulations (Process Four)

- (1) Except as provided in Section 141.0420(d)(4), *wireless communication facilities* proposed in dedicated parkland.
- (2) Except as provided in Sections 141.0420(d)(2) and 141.0420(e)(1), *wireless communication facilities* proposed in Residential Zones.
- (3) *Wireless communication facilities* proposed in Open Space Zones.

(g) Conditional Use Permit Time Extensions (See Section 126.01xx)(1) Any existing *Wireless Communication Facility* subject to a time limited Conditional Use Permit.(g)(h) Design Requirements – New Installations

The following regulations apply to all *wireless communication facilities*:

- (1) *Wireless communication facilities* shall utilize the smallest, least visually intrusive *antennas*, components and other necessary equipment.
- (2) The applicant shall use all reasonable means to conceal or minimize the visual impacts of the *wireless communication facilities* through integration. Integration with existing *structures* or among other existing uses shall be accomplished through the use of architecture, landscape and siting solutions.
- (3) The *wireless communication facility's* equipment shall be located within an existing building envelope, whenever possible. If a new equipment enclosure is necessary, it shall be of a height minimally necessary to accommodate the equipment, not to exceed 250 square feet.
- (4) Overhead wires connecting the *antennas* to the equipment are not permitted.
- (5) Equipment located on the roof of an existing *structure* shall be set back or located to minimize visibility, especially from the *public right of-way* or public places.
- (6) Faux landscaping may be used on *premises* where natural vegetation similar in size and species exist or where landscaping similar in size and species is proposed as part of the *development*. The *applicant* shall provide sufficient samples, models or other means to demonstrate the quality, appearance, and durability of the faux vegetation.
- (7) If trees with a trunk width of 4 inches or more (measured by caliper, 4 feet above grade) are removed or significantly trimmed for the installation or operation of the *wireless communication facility*, then replacement trees of a similar size shall be planted to the satisfaction of the City Manager.
- (8) Panel *antennas* shall be mounted no more than 12 inches away from a *building façade* and shall appear as an integral part of the building, except as set forth in Section 141.0420(h). Panel *antennas* may be mounted up to 18 inches away from a *building façade* when the *applicant* provides

evidence demonstrating that the *wireless communication facility* cannot operate without incorporating a tilt greater than 12 inches. Each panel *antenna* shall fit into the design of an existing *façade* and shall be no longer nor wider than the portion of the *façade* upon which it is mounted. The *antennas* shall not interrupt the architectural lines of the *façade*. Associated mounting brackets and coaxial cable shall be concealed from view. Any pipes or similar apparatus used to attach panel *antennas* to a *building façade* shall not extend beyond the length or width of the panel *antenna*. No exposed mounting apparatus shall remain on a *building façade* without the associated *antennas*.

- (9) Vertical elements, designed as flagpoles or light standards, shall replicate the design, diameter and proportion of the vertical element they are intending to imitate. Flagpoles shall maintain a tapered design.

(h)(i) *Public Right-of-Way Installations*

Wireless communication facilities may be installed in the *public right-of-way* in the area between the face of the curb and the adjacent property line. *Wireless communication facilities* located in the *public right-of-way* are subject to Chapter 6, Article 2, and the following regulations:

- (1) All equipment associated with *wireless communication facilities* shall be undergrounded, except for small service connection boxes or as permitted in Section 141.0420(e)(3).
- (2) Panel *antennas* shall be vertically mounted to the pole in compliance with any applicable separation requirements and shall not exceed 6 inches in distance from the pole.
- (3) No more than four panel *antennas* or two omni-directional *antennas* shall be mounted on any utility pole by any one *wireless communication facilities* provider.
- (4) *Antennas* shall be painted to match the color of the surface of the pole on which they are attached.

(i)(j) *Park Site Installations*

- (1) In addition to the design guidelines set forth in Section 141.0420(g), the following design requirements apply to *wireless communication facilities* in city parks.
 - (A) Where practicable, *antennas* shall be mounted on sports field light poles, security light poles, or inside foul line poles or flagpoles.

Antennas shall not be mounted above the light source on any light poles. All *antennas* on flagpoles or foul line poles shall be concealed within the pole.

(B) Equipment enclosures shall be placed underground.

(C) No above ground equipment enclosures for a *wireless communication facility* shall be placed on city owned property, dedicated in perpetuity by ordinance, for park or recreation purposes, except where the *wireless communication facility* use would not violate City of San Diego Charter section 55.

(k) Design Requirements - Time Extensions for Existing Installations

(1) For any *Wireless Communication Facility* currently within a Residential Zone, Open Space Zone, public park, along a Scenic Highway or Freeway (Section 95.0302.3), within a [public view shed] designated on a Community Plan,¹ or less than 100 feet from the property line of single or multi-unit residences:

(A) The applicant shall use all reasonable means within the current leasehold area to conceal or minimize the visual impacts of the existing *wireless communication facility* pursuant to Section 141.0420(h)(1) through (4) and (9).

The exception shall be a *Wireless Communication Facility* that was integrated with existing *structures* or among other uses existing at the time through the use of architecture, landscape, and siting solutions less than 20 years prior to the application date for a time extension.

(B) Further, for those existing *Wireless Communication Facilities* that exceed the current height limit of the underlying zone by more than 35%, the City may require an adjustment in the height if the height is not necessary to maintain the quality of service and coverage of the current network infrastructure. Such adjustment shall not be required unless it is determined to be at least 35% of the current height limit of the underlying zone.

¹ The term "Public View Shed" is a placeholder for the appropriate term(s) to ensure this category applies across all Community Plans.

(2) For existing panel antennas mounted on a building façade the applicant shall use all reasonable means to conform to Section 141.0420(h)(8) and integrate the antennas into the façade.

(3) For all other existing *Wireless Communication Facilities* the applicant shall use the following means to minimize visual impacts:

(A) Color

(B) Stack and flush mount antennas

(C) Radomes

(D) Banners

(E) Fencing

(F) Landscaping

(G) Faux landscaping pursuant to 146.0420(h)(6)

The exception shall be a *Wireless Communication Facility* that was integrated with existing *structures* or among other uses existing at the time through the use of architecture, landscape, and siting solutions less than 20 years prior to the application date for a time extension.

Further, for those existing *Wireless Communication Facilities* that exceed the current height limit of the underlying zone by more than 35%, the City may require an adjustment in the height if the height is not necessary to maintain the quality of service and coverage of the current network infrastructure. Such adjustment shall not be required unless it is determined to be at least 35% of the current height limit of the underlying zone.

(“*Wireless Communication Facilities*” added 8-10-2004 by O-19308 N.S.; effective 4-11-2007.)

(Amended 5-3-2005 by O-19369 N.S.; effective 4-11-2007.)

(Amended 9-29-2006 by O-19545 N.S.; effective 4-11-2007.)

(Amended _____ by O-_____ ; effective ____ - ____-2010.)